

House Bill 1366 (AS PASSED HOUSE AND SENATE)

By: Representative Hanner of the 148th

A BILL TO BE ENTITLED

AN ACT

To amend an Act providing a new charter for the City of Leesburg, approved April 17, 1973 (Ga. L. 1973, p. 2851), as amended, particularly by an ordinance filed with the Secretary of State on September 16, 1976 (Ga. L. 1977, p. 4639), so as to provide for a municipal court for the City of Leesburg; to provide the City Council certain powers to determine qualifications and requirements relating to municipal court judges; to provide for certain penalties for violations under the jurisdiction of the municipal court; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing a new charter for the City of Leesburg, approved April 17, 1973 (Ga. L. 1973, p. 2851), as amended, particularly by an ordinance filed with the Secretary of State on September 16, 1976 (Ga. L. 1977, p. 4639), is amended by striking the introductory paragraph and subparagraphs (1) and (2) of paragraph (46) of Section 1.13 and inserting in lieu thereof the following:

"(46) There shall be and there is hereby established in and for the City of Leesburg to be conducted in such manner and at such time, except Sunday as the City Council may prescribe, a municipal Court in which the Municipal Court judge shall be the presiding officer, in case of the absence or disability of the presiding officer for any cause, municipal court judge or any judge of any court of record which regularly hears traffic offenses or ordinance violations, shall preside. The procedure for appointment, compensation, qualifications and tenure of the municipal judge, shall be set forth by the City Council in ordinances addressing same. The procedure in said court, with reference to the conduct and trial of cases therein, not in conflict with this section of the Charter or the general law shall be prescribed by the City Council or by rule or order of the presiding officer thereof not in conflict with the Charter or City Ordinance on the subject, and the

1 City Council shall have the power to provide by ordinance for the compulsory attendance
2 of all persons violating any municipal ordinance before said municipal court, by summons
3 or copy of charges, to answer the offense charged, and when employed, such summons
4 or copy of the charges shall be issued as provided for subpoenas and shall contain a
5 summary or simple statement of the offense charged, and disobedience of said summons
6 or copy of charges shall be punished as provided for disobedience of subpoenas.

7 (1) Jurisdiction: Authority to Punish: Extent of Penalty, Etc. Said municipal court shall
8 have jurisdiction to try all offenders against the laws and ordinances of the City of
9 Leesburg committed within the corporate limits or police jurisdiction, and to punish
10 persons convicted in said court of violating such laws and ordinances in a fine not to
11 exceed one thousand dollars (\$1,000.00) or by imprisonment in the Lee County Jail or
12 other place provided, or by compulsory labor on the streets or other public works or
13 community service not to exceed six (6) months and either one or more of such
14 punishments may be imposed, or the several punishments may be cumulative, or the
15 fines may be imposed with alternative of such imprisonment or compulsory labor or
16 coerced or enforced by said punishment or labor; provided, that the punishments, within
17 the limits prescribed, shall only be imposed by said court in the amount and manner
18 prescribed by the penal ordinances of said city, but in the event no penalty be provided
19 for the doing of which is made unlawful by ordinances, the court shall have power to
20 proceed to impose the punishments as herein enumerated. The jurisdiction of said
21 municipal court shall further extend to the investigation of any charge involving or
22 amounting to a violation of the penal laws of the State of Georgia, when such charge
23 is entered upon the docket of said court and when the offense is alleged to have been
24 committed within the corporate or police limits of the city, and provided such charges
25 are made in writing and verified to the best of the knowledge and belief of the person
26 making the same.

27 (2) Powers of Presiding Officer Generally: Contempt, Etc. The presiding officer of said
28 court shall have the same power as judges of the superior court of this state to punish
29 for contempt of said municipal court by a fine not to exceed two hundred fifty dollars
30 (\$250.00) or imprisonment in the Lee County Jail, or other place provided, not to
31 exceed ten days, and either or both of said punishments may be imposed in the
32 discretion of the court, or the fine may be imposed with the alternative of such
33 imprisonment, or coerced by such imprisonment. Said presiding officer of said court
34 shall be to all intents and purposes a magistrate insofar as to enable him or her to issue
35 warrants for offenses committed within the City of Leesburg or its police jurisdiction
36 against the penal laws of this state, this either before a hearing or trial of the charge in

1 said municipal court; provided, the affidavit required by law to obtain warrants is first
2 made before said presiding officer, which warrant may be executed by any member of
3 the police force of the city. Said presiding officer of said court as such ex officio
4 magistrate, shall have the power and authority to commit to the jail of Lee County
5 offenders against the law of the State of Georgia, and to admit them to bail, in bailable
6 cause, for their appearance at the next term of the court of competent jurisdiction to be
7 held in and for the County of Lee, after legal investigation, and shall, if the evidence
8 in the trial of an offense against the ordinances of the city discloses the violation of any
9 state law, have the power to bind the defendant over as above set forth."

10 **SECTION 2.**

11 This Act shall become effective upon its approval by the Governor or upon its becoming law
12 without such approval.

13 **SECTION 3.**

14 All laws and parts of laws in conflict with this Act are repealed.